IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.5705 OF 2005

Sadashiv D. Paigude : Petitioner

V/s.

The Assistant Registrar, Co-operative Societies (on deputation) & Ors. : Respondents

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Mr.R.V.Govilkar for the petitioner.

Mr.Anil Singh for the respondent no.2.

...

CORAM : S.A. BOBDE, J.

September 2, 2005.

P.C.:

1. Rule, returnable forthwith.

Mr.Singh waives service of rule on behalf of the respondent no.2.

Heard by consent.

2. In view of the averments in para 10 of the petition, it appears that the petitioner had sufficient cause for not being able to appear when the order was passed against him. In the circumstances of the case, Mr.Singh, on instructions from his client, who is present in Court,

states that the matter may be remitted for hearing before the Asstt. Registrar.

3. In the circumstances, the impugned order is set aside, upon the petitioner depositing a sum of Rs.10 lakhs in two instalments. The matter is remitted back to the Asstt. Registrar, Co-operative Societies (respondent no.1) for deciding it on merits. The first instalment of Rs.5 lakhs shall be paid within one week from today and the second instalment of Rs.5 lakhs shall be paid within two weeks thereafter. The Asstt. Registrar shall dispose of the matter within a period of three weeks after the parties enter appearance before him. The parties are directed to appear before the Asstt. Registrar on 12.9.2005.

Sd/-

S.A. BOBDE, J.